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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,995	05/01/2001	Robert A. Wiedeman	900.0005USU	3914

7590 09/09/2005

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EXAMINER

CORSARO, NICK

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 09/09/2005

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/846,995
Filing Date: May 01, 2001
Appellant(s): WIEDEMAN ET AL.

Anthony W. Krambelas
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 06/13/2005 appealing from the Office action mailed 01/18/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,070,073	MAVEDDAT	3-2000
5,930,718	RYDBECK	6-1999
5,918,176	ARRINGTON	6-1999

5,490,087

REDDEN

2-1996

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 10, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maveddat et al. (6,070,073) in view of Rydbeck et al. (5,930,718).

Consider claim 1, Maveddat discloses a mobile satellite telecommunications system (see col. 1 lines 7-35 and col. 5 lines 7-12). Maveddat discloses at least one user terminal; at least one satellite in earth orbit; and at least one gateway bi-directionally coupled to a data communications network (see col. 5 lines 7-47). Maveddat discloses said user terminal comprising a controller responsive to at least one criterion having been met for activating a message for informing a user of a potential for reduced user terminal performance (see col. 8 lines 21-65).

Maveddat does not specifically disclose activating an indicator. Rydbeck teaches activating and indicator (see col. 7 lines 35-67 and col. 8 lines 15-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Maveddat, and have activate an indicator, as taught by Rydbeck, thus allowing the user to be notified of low link margin, as discussed by Rydbeck (col. 1 lines 18-44 and col. 1 lines 60-67).

Consider claim 10, Maveddat discloses a mobile satellite telecommunications system (see col. 1 lines 7-35 and col. 5 lines 7-12). Maveddat discloses at least one user terminal; at least one satellite in earth orbit; and at least one gateway bi-directionally coupled to a data communications network (see col. 5 lines 7-47). Maveddat discloses said user terminal comprising a controller responsive to a receipt of a message from said gateway, indicating that at least one criterion has been met, for activating a message for informing a user of a potential for reduced user terminal performance (see col. 8 lines 21-65).

Maveddat does not specifically disclose activating an indicator. Rydbeck teaches activating and indicator (see col. 7 lines 35-67 and col. 8 lines 15-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Maveddat, and have activate an indicator, as taught by Rydbeck, thus allowing the user to be notified of low link margin, as discussed by Rydbeck (col. 1 lines 18-44 and col. 1 lines 60-67).

Consider claim 19, Maveddat discloses a method for operating a mobile satellite telecommunications system (see col. 1 lines 7-35 and col. 5 lines 7-12). Maveddat discloses providing at least one user terminal, at least one satellite in earth orbit, and at least one gateway bi-directionally coupled to a data communications network (see col. 5 lines 7-47). Maveddat discloses determining that at least one criterion has been met; and activating a message on said user terminal for informing a user of a potential for reduced user terminal communication (see col. 8 lines 21-65).

Maveddat does not specifically disclose activating an indicator. Rydbeck teaches activating and indicator (see col. 7 lines 35-67 and col. 8 lines 15-40).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Maveddat, and have activate an indicator, as taught by Rydbeck, thus allowing the user to be notified of low link margin, as discussed by Rydbeck (col. 1 lines 18-44 and col. 1 lines 60-67).

3. Claims 2-6, 8-9, 11-15, 17-18, 20-24, 26-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maveddat in view of Rydbeck as applied to claims 1, 10, and 19 above, and further in view of Arrington et al. (5,918,176) and Redden et al. (5,490,087).

Consider claims 2-6, 8-9, 11-15, 17-18, 20-24, 26-31, Maveddat, discloses the system and method, as modified by Rydbeck above, wherein a possible outage message and indicator given to the user terminal where the terminal is covered by several satellites and the link margin of the satellites falls low. Maveddat and Rydbeck do not specifically disclose a several coverage satellite system, where diversity transmission from the satellites such that the link margin is based on the diversity transmission. Arrington shows coverage by several satellites and a report of link margin (see col. 5 lines 30-67, col. 6 lines 55-67, and col. 8 lines 1-15). Redden discloses diversity transmission and an outage report (see col. 15 lines 7-47, and col. 9 lines 35-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Maveddat and Rydbeck, and have several coverage satellite system, where diversity transmission from the satellites such that the link margin is based on the diversity transmission, and link outage report, as taught by Arrington and Redden, thus allowing the reporting be done for mobiles in fading environments.

(10) Response to Argument

Summary of Examiners Position

The Examiner position is that Maveddat in view of Rydbeck, are combinable and shows all of the limitations of the independent claims 1, 10, and 19, and further that Maveddat and Rydbeck, as modified by Arrington and Redden show the limitation of the dependent claims as follows:

The Appellants independent claims call for a mobile satellite terminal within a mobile satellite communications system that informs the user of the potential for reduced user terminal performance via an indicator on the terminal.

The Examiners position is that, Maveddat, discusses mobile satellite communications system including terminals, Gateways, and satellites, where, a terminal informs a user of a pending future outage via a message on the users display (see examiner grounds for rejection). The Examiner modified Maveddat with Rydbeck to replace the message with an indicator. The background of Rydbeck provides motivation by discussing the use of indicators in satellites phones to indicate poor reception characteristics and the disclosure of Rydbeck shows how indicators are used for poor reception characteristics.

As a result, The Examiner contends that the limitations of the independent claims 1, 10, and 19 are disclosed by the combined references.

The Appellant's depending claims have limitations that modify the independent claims such that when the terminal is experiencing reduced performance, the performance of the terminal is enhanced by various methods to get better performance at the terminal.

The examiners position is that the limitations of a terminal that experiences reduced performance was shown by Maveddat in view of Rydbeck and that it would be obvious to one skilled in the art to used performance enhancing methods to cure such a deficiency. As a result the examiner used Arrington and Redden to show that those skilled in the art would enhance a satellite systems with such methods

Detailed Response to Arguments

Response to arguments concerning 103(a) rejection of being unpatentable over

Maveddat (6,070,073) in view of Rydbeck (5,930,718)

Regarding the Appellants arguments on page 4 of the Brief

A). In paragraphs 1-4, of the arguments of page 4, the Appellant restates the examiners rejections and does not pose and argument.

The examiner agrees with the restatement.

B). In paragraphs 5 and 6, the Appellant summarizes the primary reference Maveddat and does not pose an argument.

The examiner agrees with the summary.

Regarding the Appellants arguments on page 4, paragraph 7, through page 5 paragraph 4, of the Brief

A). In paragraph 7, page 4, and paragraphs 1 and 2, page, 5, the Appellant describes the section of the Appellant disclosure that supports the limitation of “ a user terminal comprising a controller responsive to at least one criterion having been met for activation an indication for informing a user of potential reduced user terminal

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performance” and argues the cited paragraphs (col. 8 lines 21-65) of Maveddat do not teach the limitation.

The examiner however disagrees, because the limitation in the claim is written much broader than the description in the disclosure and as a result the limitation reads upon Maveddat. That is, the limitation in the claim states “a user terminal comprising a controller responsive to at least one criterion having been met for activation an indication for informing a user of potential reduced user terminal performance”. As discussed above, in the summary of examiner’s position, Maveddat discloses a satellite user terminal wherein, in col. 8 lines 21-65, the user terminal receives an SMS message from the system and upon receiving the message displays messages it to the user to indicate to the user that an outage will occur. Thus the mobile phone receives a signal from the system and controller in the terminal receives the message and displays it to the user. That is, mobile phones have display controllers or indicator controllers that activate the displays or indicators upon receiving a signal.

Therefore, the Examiner contends that the limitation is taught because since the mobile terminal receives a signal “a criteria is met”, a display controller displays the message “a controller responsive to a criteria activates the message” and the message is in response to a future outage that will occur “potential for reduced performance”. As previously discussed in the summary of examiner’s position, the secondary reference Rydbeck, discusses how an indicator could be used in a mobile terminal to show such a reduced performance.

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B). In paragraph 3 and 4, page 5, the Appellant argues that the Maveddat reference discussing notifying the user about impending outages is not the same” informing the user by and indicator of a potential for reduced communications”

However the Examiner disagrees because an “outage” is a reduced performance situation because the terminals performance is reduced to not working at all.

Therefore, the Examiner contends that the limitation does read upon Maveddat.

Regarding the Appellants arguments on page 5, paragraph 4, through page 6 of the Brief

A). In paragraph 4, page 5, through paragraphs 4, page 6, the Appellant describes the cited passages from the Rydbeck reference and argues that Rydbeck does not teach “a controller responsive to at least one criteria having been met for activating an indicator for informing the user of a potential for reduced user terminal performance”.

The examiner, however, disagrees because the Examiner did not rely upon Rydbeck to teach the limitation. Rydbeck was only used to show that it is obvious to have an indicator on a mobile device to indicate a condition of the device. That is, the primary reference Maveddat, showed displaying the user a message indicating reduced performance and Rydbeck showed using and indicator.

As result the Examiner contends that Maveddat in view of Rydbeck shows the limitation.

B). In paragraphs 5 and 6, on page 6, the Appellant argues that it would not be obvious to combine Maveddat and Rydbeck, and that there is not suggestion to combine the two references.

However the examine disagrees because, the primary reference Maveddat, is already showing the user via a message that there is an impending condition that will cause reduced performance. Rydbeck discloses in the background that it would be advantageous to use an indicator to show the user when they are in shadowed areas where signal strength will be low. So Rydbeck gives motivation to combine. Further since both references are analogous systems and apparatus it would be obvious to replace a message on a display with an indicator on a display.

Therefore, the examiner contends that because a message and an indication are essentially the same and because Rydbeck gives motivation to combine, that the references are combinable and it is obvious to combine them to one of ordinary skill in the art.

Regarding the Appellants arguments on page 6, paragraph 7, through page 7 paragraph 5 of the Brief

A). In paragraph 7, page 6, through paragraphs 5, page 7, the Appellant restates some of the examiners rejections and arguments from the office action and argues that the combination of Maveddat and Rydbeck is improper.

The examiner, however, disagrees because there is no combination more proper than analogous art where one of the references cites motivation in the background. That is, both Maveddat and Rydbeck are speaking of Satellite portable phones, and both are speaking of showing a reduced performance condition. Maveddat does show reduced performance with a message and Rydbeck with an indicator. Further Rydbeck is

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discussing in the background that the user should be notified via an indicator of the condition.

As result the Examiner contends that Maveddat in view of Rydbeck is a proper combination.

Regarding the Appellants arguments in the last paragraph on page 7 through paragraph 4 on page 8 of the Brief

A). In the last paragraph on page 7, through paragraphs 4, page 8, the Appellant restates some of the examiners rejections and arguments from the office action and argues that the combination of Maveddat and Rydbeck do not teach the limitations of the claims and that it would not be obvious to modify Maveddat with Rydbeck.

The examiner, however, disagrees because as discussed above in the summary of the examiners position, and as shown in the grounds for rejection, Maveddat discloses a mobile terminal in a satellite system with gateway and satellites where the terminal and the gateways are in bidirectional communications, and the user is notified via a message that they will have reduced performance via an outage. Rydbeck shows that an indicator could do the same job and implies it should be used, as discussed in the background of Rydbeck. Therefore, Maveddat shows every one of the argued limitations, however, does not show using and indicator rather than a message to show the reduced performance. Further as discussed previously in last section, of this response, the references are analogous and there is motivation.

As result the Examiner contends that Maveddat in view of Rydbeck is a proper combination and does show all the limitations.

Response to arguments concerning 103(a) rejection of being unpatentable over Maveddat (6,070,073) in view of Rydbeck (5,930,718) and further in view of Arrington (5,918,176) and Redden (5,490,087)

Regarding the Appellants arguments in the last two paragraphs of page 8 through paragraph 4 on page 10 of the Brief

A). In the last paragraph on page 8, through paragraphs 4, page 10, the Appellant restates some of the examiners rejections, describes the Arrington and Redden references, and argues that Arrington and Redden do little to cure the deficiencies Maveddat and Rydbeck where Maveddat and Rydbeck lack coverage by several satellites or having diversity transmission and an outage report.

The examiner, however, disagrees because Maveddat and Rydbeck are discussing satellite systems and in particular link quality. Arrington shows that in a mobile system more satellites can be used that generate more cell areas and that when a mobile is receiving reduced performance it could handoff to another cell to get better performance along with sending link reports to the system control centers and mobiles. Redden shows using diversity Satellite system to get better reception. Since all four references are satellite systems and Maveddat and Rydbeck are showing reduced link performance and Arrington and Redden show ways to get better link performance, Arrington and Redden are curing deficiencies in the system taught by Maveddat and Rydbeck.

As result the Examiner contends that Maveddat in view of Rydbeck show the satellite system with indications of reduced performance and Arrington and Redden show how to cure such deficiencies.

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Nick Corsaro


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